

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 4, 2002

RESPONSIBLE STAFF:

Jennifer Russel, Director
Planning and Code Administration

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/18/02
	10/30/02
Hearing Date	11/4/02
Record Held Open	
Policy Discussion	

TITLE:

T-356—An Ordinance to Amend Chapter 24 of the City Code (City Zoning Ordinance), Article I, Entitled, "In General," Section 24-1 Entitled, "Definitions," so as to Amend the Definition of "Hotel" and Differentiate Types of Said Use; and Further to Amend Article III, Entitled, "Regulations Applicable to Particular Zones," Division 12, Entitled, "C-2 Zone, General Commercial," Section 24-117, Entitled, "Uses Permitted By Right," Division 19, Entitled, "MXD Zone, Mixed Use Development," Section 24-160D.3, Entitled, "Uses Permitted," Division 20, Entitled, "H-M Zone, Hotel-Motel," Section 24-160E.2, Entitled, "Uses Allowed," so as to Differentiate Types of Hotel Uses Allowed and Prohibited.

SUPPORTING BACKGROUND:

At the request of the City Council, staff reviewed language in the zoning ordinance related to hotels. As is the case with many long-standing definitions, the existing language does not reflect current industry language. With the help of local hoteliers, this text amendment was drafted by the City Attorney to update the Zoning Ordinance's treatment of hotels. The language contained herein reflects the fact that there are a variety of hotel types which market themselves differently and present themselves as different products to the public based upon the level of service(s) they offer.

Section 24-1 of the zoning ordinance (definition section) is amended to eliminate the current definition of hotel and substitute it with three different types of facilities: all suite hotel, full service hotel, and extended stay hotel. There are specific distinctions made between all three types of hotels which are well-known in the hotel industry. The current definition of motel is also amended and updated. Additional changes with respect to uses are inserted into the C-2, MXD and H-M zones. In the C-2 zone, all three types of hotels (as newly defined) are added as permitted by right, as is currently the case for hotels. The MXD zone is changed to specifically prohibit extended stay hotels and all three new types of hotels are inserted as uses permitted by right in the H-M zone, since hotels are presently allowed in that zone.

At the present time, there are 12 hotels and motels in the City, five of which are extended stay as newly defined; an unusually large number for a city of our size. There are 3 full service hotels, 2 limited service hotels and 2 motels. The proposed prohibition against extended stay hotels in the MXD zone will protect the City against continued proliferation of the use in this zone which is affixed to a large percentage of land on the western side of the City. The use will not be precluded from other zones so as not to discourage redevelopment opportunities.

DESIRED OUTCOME:

Planning Commission hold record open for 10 days. Mayor and Council hold record open indefinitely.

ORDINANCE No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE I, ENTITLED, "IN GENERAL," SECTION 24-1 ENTITLED, "DEFINITIONS," SO AS TO AMEND THE DEFINITION OF "HOTEL" AND DIFFERENTIATE TYPES OF SAID USE; AND FURTHER TO AMEND ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 12, ENTITLED, "C-2 ZONE, GENERAL COMMERCIAL," SECTION 24-117 ENTITLED, "USES PERMITTED BY RIGHT," DIVISION 19, ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT," SECTION 24-160D.3 ENTITLED, "USES PERMITTED," DIVISION 20, ENTITLED, "H-M ZONE, HOTEL-MOTEL," SECTION 24-160E.2 ENTITLED, "USES ALLOWED," SO AS TO DIFFERENTIATE TYPES OF HOTEL USES ALLOWED AND PROHIBITED.

Text Amendment T-356

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland in public meeting assembled that Chapter 24; Article 1, Section 24-1, Article III Sections 24-117, 24-160D.3 and 24-160E.2 of the City Code are hereby amended as follows:

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

* * * * *

[Hotel. Any building containing ten (10) or more guest rooms where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or hotel-apartment as defined herein.]

[Hotel-apartment. Any building or portion thereof designed for or containing both guest rooms for transient guests and dwelling units.]

Hotel, Full service. A building or group of buildings when for compensation ten (10) or more guest units are provided with sleeping accommodation and daily maid service for transient visitors. Full service hotels provide a public dining room and room service and may contain meeting rooms, retail shops, business centers and recreational facilities. A full service hotel is not an extended stay hotel, motel, inn, bed and breakfast dormitory, fraternity or sorority house or rooming house or boarding house.

Hotel, limited service. A hotel offering room accommodations with limited amenities including continental breakfast in lieu of a full breakfast and limited congregate meeting space supported by less employees than a full service facility. Individual rooms would not have

kitchens or kitchenettes.

Hotel, Extended stay. A building or group of buildings containing ten (10) or more guests units where for compensation a majority of the guest units are intended to be used or hired for use by long term transient guests wherein the units contain sleeping and living accommodations including an equipped kitchen or kitchenette. Extended stay hotels may provide a public dining room or common breakfast room area or other public areas which are open and available to persons who are not guests of the establishment. Long term transient guests are defined as guests whose stays for a period of one continuous week or longer. An extended stay hotel is not a full service hotel, motel, inn or bed and breakfast, dormitory or rooming house or boarding house.

Motel. Any group of guest rooms, combined or separated, used for the purpose of housing short-term transient guests, each unit of which is provided with its own toilet and washroom facilities, but do not include kitchen or kitchenette facilities or equipment in the guest units.

* * * * *

ARTICLE III. REGULATION APPLICABLE TO PARTICULAR ZONES

* * * * *

DIVISION 12-C.2 ZONE. GENERAL COMMERCIAL

* * * * *

Sec. 24-117. Uses permitted by right.

The following uses are permitted by right in the C-2 Zone:

* * * * *

(10) [Hotels and] motels

* * * * *

(28) Hotel, full service

(29) Hotel, limited service

(30) Hotel, extended stay

* * * * *

DIVISION 19. MXD ZONE. MIXED USE DEVELOPMENT

* * * * *

Sec. 24-160D.3. Uses permitted.

* * * * *

(b) *Commercial/employment/industrials.* All uses allowed by right in the R-B, C-B, C-1, C-2, C-3, E-1 and I-3 zones are permitted uses. All uses allowed by special exception the R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 zones shall be special exception uses in the MXD Zone and subject to approval by the City Board of Appeals. Designation of a use as a special exception in any of the zones listed herein shall mean the use is a special exception in the MXD Zone, notwithstanding the fact that such use may be allowed as a permitted use in any other zone referred to in this subsection (b). The following uses are specifically prohibited:

* * * * *

Hotel, extended stay

* * * * *

DIVISION 20. H-M ZONE, HOTEL-MOTEL

* * * * *

Sec. 24-160E.2. Uses allowed.

(a) The following uses are permitted in this zone:

* * * *

[Hotels and] motels
Hotels, full service
Hotel, limited service
Hotel, extended stay

* * * *

(b) * * * *

ADOPTED by the City Council of Gaithersburg, Maryland, this ____ day of _____, 2002.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this ____ day of _____, 2002. APPROVED/VETOED by the Mayor of the City of Gaithersburg, Maryland this ____ day of _____, 2002.

SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2002 and the same was APPROVED/VETOED by the Mayor of the City of Gaithersburg On the ____ day of _____, 2002. This Ordinance will become effective on the ____ day of _____, 2002.

DAVID B. HUMPTON, City Manager